

# ETSO Workshop 2022 - Industry session -

**20th – 21st September 2022**

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# ETSO Authorizations Transferability

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# Summary

1. Introduction
2. Regulatory basis
3. EASA general understanding
4. Cases
5. Conclusion
6. Questions / Answers

# Introduction

- This presentation
  - will highlight the experience and the interpretation given by the ETSO Section in the recent past regarding cases of ETSOA transfer requests
  - does not intend to be exhaustive and to create additional guidance material
- Each case has to be considered specifically in the context of the particular situation

# Regulatory basis – Part 21

The ETSOA Certificate transferability provisions are contained in EASA Part 21, 21.A.621, that are implicitly linked to the demonstration of capability of 21.A.602B:

## 21.A.621 Transferability

Except as a result of a change in ownership of the holder, which shall be regarded as a change of significance, and shall therefore comply with points 21.A.147 and 21.A.247 as applicable, an ETSO authorisation issued under this Annex I (Part 21) is not transferable.

# Regulatory basis – Part 21 (Cont'd)

## 21.A.602B Demonstration of capability

Any applicant for an ETSO authorisation shall demonstrate its capability as follows:

- (a) for production, by holding a production organisation approval, issued in accordance with Subpart G, or through compliance with Subpart F procedures; and
- (b) for design:
  1. for an Auxiliary Power Unit, ...;
  2. for all other articles, by using procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this [Annex I](#) (Part 21).

## Regulatory basis – Part 21 (Cont'd)

The requirement 21.A.621 links the change of ownership of ETSOA Holder to the change of ownership of the (A)DOA and POA (respectively 21.A.247 and 21.A.147).

Why? Because of 21.A.602B Demonstration of capability.

In a nutshell to achieve an ETSOA you need to have already achieved organization approvals for (A)DOA and POA.

# EASA General Understanding

In accordance with 21.A.602B:

a change of (A)DOA and/or POA will produce in general the need of the ETSOA re-approval (i.e.: new ETSOA certificate).

In accordance with the guidance material related to transfer of POA and (A)DOA (ref. to 21.A.149 and 21.A.249 and associated GM) the transfer of these organization approvals is possible only in case the **organization itself remains substantially unchanged** following a change of ownership maintaining a clear link with the original (A)DOA and POA.

However EASA experienced some “particular” cases!



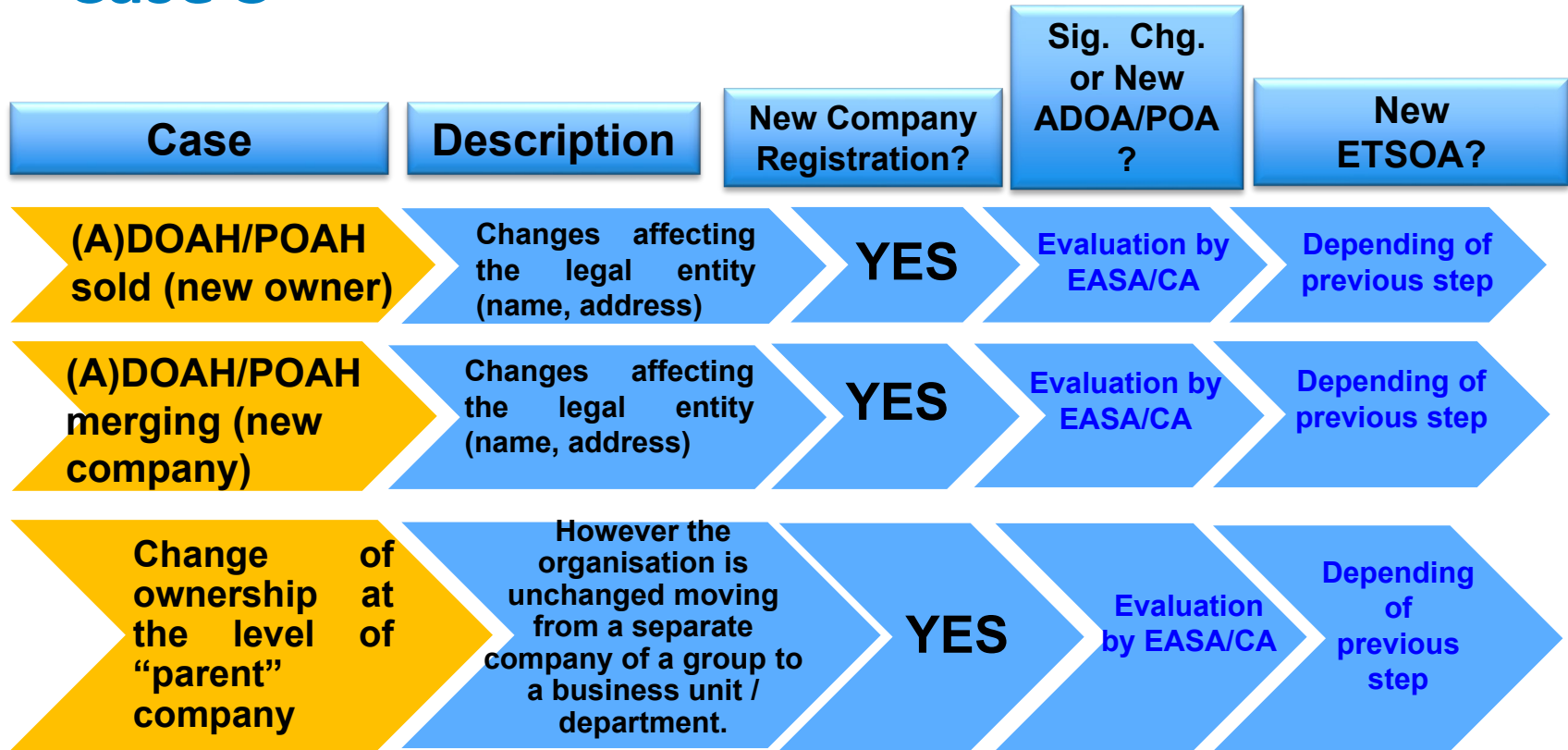
# Case 1

Case	Description	New Company Registration?	Significant Change or new (A)DOA/POA?	New ETSO Authorisation?
(A)DOAH / POAH bankrupt	staff creating a new company (at a new site)	Yes	(A)DOA: NEW POA: NEW?	YES
(A)DOAH / POAH bankrupt	staff “moving” to an existent company (without DOA)	Yes	(A)DOA: NEW POA: NEW?	YES
(A)DOAH / POAH split	The separate part of the Organisation will have a new company registration.	Yes	(A)DOA: NEW POA: NEW?	YES

## Case 2

Case	Description	New Company Registration?	Signif. Change or New ADOA/POA?	New ETSOA?
(A)DOAH / POAH split	Existing organisations could be kept, applying for significant change (if same registration)	No	SC	No
(A)DOAH / POAH sold (new owner)	no changes in the organisation	No	SC	No

# Case 3



# Conclusion

- In general an ETSOA is not transferrable except as a result of a change in ownership. However each case has to be individually assessed depending of the associated organisational approval (ADOA/POA).
- ETSOA (Re-)approval is a **new** approval that could be either:
  - a complete new investigation on the actual certification basis; or
  - a partial re-investigation that need to be assessed by the PCM.

## Conclusion (Cont'd)

- An application for either a SC or a New ADOA/POA is always needed
- It is therefore recommended:
  - to keep the transfer “event” as simple as possible, postponing to a later stage additional changes
  - to contact EASA (DOATL and PCM) at earliest stage before any definitive decision will be taken as well as the POATL in the competent authority
  - the Applicant/Holder shall support the liaison among EASA, the Competent Authority of the associated POA and the Company itself.

# Questions?

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# Backup slides

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# Regulatory basis – Part 21

For completeness:

## **21.A.147 Changes to the approved production organisation**

(a) After the issue of a production organisation approval, each change to the approved production organisation that is significant to the showing of conformity or to the airworthiness and environmental protection characteristics of the product, part or appliance, particularly changes to the quality system, shall be approved by the competent authority. An application for approval shall be submitted in writing to the competent authority and the organisation shall demonstrate to the competent authority, before implementing the change, that it complies with this Subpart.

(b) The competent authority shall establish the conditions under which a production organisation approved under this Subpart may operate during such changes unless the competent authority determines that the approval should be suspended.



# Regulatory basis – Part 21

For completeness:

## **21.A.247 Changes in design assurance system**

After the issue of a design organisation approval, each change to the design assurance system that is significant to the showing of compliance or to the airworthiness, operational suitability and environmental protection of the product, shall be approved by the Agency. An application for approval shall be submitted in writing to the Agency and the design organisation shall demonstrate to the Agency, on the basis of submission of proposed changes to the handbook, and before implementation of the change, that it will continue to comply with this Subpart after implementation.

# Regulatory basis – Guidance Material - 1

## GM 21.A.249 Transferability

1. Transfer of the approval would normally only be agreed in cases where the organisation itself remains substantially unchanged.
2. ...
3. ...

Unchanged = same resources leading to the same scope of work.

# Regulatory basis – Guidance Material - 2

## GM 21.A.249 Transferability

1. ...

2. An acceptable transfer situation could be for example a change of company name (supported by the appropriate certificate from the National Companies Registration Office or equivalent) but with no changes to site address or Chief Executive. **However**, if the same legal entity were to relocate to new premises with a new Chief Executive and/or new departmental heads, then a substantial investigation by the Agency would be necessary such that the change would be classified as a re-approval.

3. ...

# Regulatory basis – Guidance Material - 3

## GM 21.A.249 Transferability

1. ...

2. ...

3. In the event of receivership there may be good technical justification for continuation of the approval provided that the company continues to function in a satisfactory manner. It is likely that at a later stage the approval might be surrendered by the receiver **or** transferred to another legal entity in which case the former paragraphs apply.

Receivership *such as in case of bankruptcy, insolvency or other equivalent legal process.*